

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK----- X
SHOLEM WEISNER,

Plaintiff,

-against-

GOOGLE LLC and SHMUEL NEMANOV,

Defendant and Involuntary Party.
----- X**ORDER DENYING
GOOGLE'S MOTION FOR
RECONSIDERATION**

20 Civ. 2862 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

I deny Google's motion for reconsideration of my August 22, 2024 decision denying summary judgment. "A motion for reconsideration is not a motion to reargue those issues already considered when a party does not like the way the original motion was resolved." *In re Facebook Inc., IPO Sec. & Derivative Litig.*, 43 F. Supp. 3d 369, 374 (S.D.N.Y. 2014). Moreover, "the standard for granting a motion for reconsideration is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked." *Analytical Surveys, Inc. v. Tonga Partners, L.P.*, 684 F.3d 36, 41 (2d Cir. 2012).

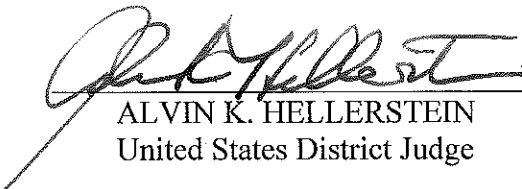
Here, Google has failed to meet these strictures. Instead, it argues issues raised—and rejected—in its previous motion for summary judgment. *See* ECF No. 199. Google avers that Plaintiff lacks proof of Google's infringement of the '905 patent since Plaintiff's evidence of a limitation concerned a feature that was removed before the patent issued. But this is subject to a dispute of material fact, and accordingly, I cannot hold that a jury could not find infringement. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986); *Roe v. City of Waterbury*, 542 F.3d 31, 35 (2d Cir. 2008). Google's argument regarding claim construction of the two patents fares no better. Its renewed efforts to narrow the scope of the patents defies the language of the

patents' written descriptions and lacks merit. Accordingly, Google's motion for reconsideration is denied.

The Clerk of Court shall terminate ECF No. 239.

SO ORDERED.

Dated: November 12, 2024
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge